



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Carlos Andres ESPINOSA-Fabian,

Defendant.

Magistrate Case No.: **08 MJ 86 17**

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about July 7, 2008, within the Southern District of California, defendant Carlos Andres ESPINOSA-Fabian did knowingly and intentionally import approximately 39.24 kilograms (86.32 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Lonnie Brasby, Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8TH
DAY OF JULY 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Carlos Andres ESPINOSA-Fabian

4 STATEMENT OF FACTS

5 This Statement of Facts is based on the reports, documents, and notes
6 furnished to U. S. Immigration and Customs Enforcement Special Agent Lonnie Brasby.

7 On July 7, 2008, at approximately 0936 hours, Carlos Andres ESPINOSA-Fabian
8 entered the United States at the Calexico, CA, West Port of Entry. ESPINOSA-Fabian
9 was the sole occupant, driver, and registered owner of a 1991 Ford Explorer.

10 At primary inspection, ESPINOSA-Fabian gave a negative Customs declaration
11 to Customs and Border Protection Primary Officer (CBPO) L. Garcia. ESPINOSA-
12 Fabian's hand was trembling when he handed CBPO L. Garcia his Border Crossing
13 Card (BCC). During questioning, ESPINOSA-Fabian advised CBPO L. Garcia that he
14 was on his way to Calexico to go shopping. CBPO L. Garcia referred ESPINOSA-
15 Fabian and his vehicle to secondary for a more intensive inspection.

16 In the vehicle secondary lot, Canine Enforcement Officer R. Navarro utilized his
17 Narcotic Detector Dog, who alerted to the passenger side rear tire of the vehicle. A
18 subsequent inspection of the vehicle revealed twenty-four (24) packages, which were
19 discovered in specially built non-factory compartments within the tires of the vehicle.
20 One of the packages was probed and a sample of a green leafy substance was
21 obtained, which field tested positive for marijuana. The 24 packages had a combined
22 net weight of approximately 39.24 kilograms (86.32 pounds) of marijuana.

23 ESPINOSA-Fabian was arrested for importation of marijuana into the United
24 States. ESPINOSA-Fabian was advised of his rights per Miranda. ESPINOSA-Fabian
25 stated he understood his rights and was willing to answer questions without the
26 presence of an attorney. ESPINOSA-Fabian admitted to smuggling the marijuana
27 concealed in the vehicle and was to be paid \$1,200.00. ESPINOSA-Fabian also
28 admitted to smuggling marijuana into the United States on three (3) previous occasions.
29